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| 10/697,041 | 10/31/2003 | Hideaki Imura | SHO-0036 | 8363 |

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| EXAMINER |
|---|
| KIM, ANDREW |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/697,041 | IMURA ET AL. | |
| | Examiner | Art Unit | |
| | ANDREW KIM | 3716 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *27 October 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,2,4-7 and 9-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,4-7, 9-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

In response to the amendment filed 10/27/2010 in which claims 1, 2, and 4-7, and 9-12 are pending.

## Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims1, 2, 4, 5, 7, and 9-12 are rejected under 35 U.S.C. 102(b) as anticipated by Fujii (JP Pub. No. 11-155998 A) or, in the alternative, under 35 U.S.C. 103(a) as obvious over Fujii (JP Pub. No. 11-155998 A) in view of Hagiwara (US 5,580,055 A).

Regarding claim 1, Fujii discloses a gaming machine comprising:

a variable display device configured to variably display a plurality of symbol rows each having a symbol placement face formed in a curved surface on which a plurality of symbols are placed (fig. 4, items 8a-c, paragraph [0026]);

an image display device being provided in front of and opposed to the variable display device and configured to display the symbols through a flat symbol transmission face and to display an image concerning a game (fig. 4, items 11, 20a-c, paragraph [0024]);

a symbol illumination device configured to illuminate the symbols (fig. 4, item 24, paragraph [0025]); and

an image display assistance device being provided lateral to an area between the variable display device and the image display device to cover an area sandwiched between the symbol placement face and the symbol transmission face, and configured to assist image display of the image display device (fig. 4, items 25, 26 and 27, paragraph(s) [0024]-[0028]).

wherein the symbol illumination device comprises a rear illumination lamp configured to illuminate the symbols from behind the symbols (Fujii: paragraph [0008] and fig. 16, Hagiwara: fig. 13 and 14, col. 8, lines 27-62), and

wherein the image display assistance device reflects light emitted from the rear illumination lamp (fig. 4, items 25, 26 and 27, paragraph(s) [0024]-[0028]).

On the other hand, if one were to take the position that Fujii does not anticipate a rear illumination device even though Fujii indeed discloses a rear illumination device with respect to In re Gurley in which "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the

same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994), Fujii in view of Hagirawa teaches the claimed invention. Fujii discloses image display assistance devices and illumination in front of the symbols. In an analogous reference, Hagiwara discloses an amusement device with an illumination device inside of the reel (Hagiwara, fig. 5, 6, 13 and 14, col. 8, lines 27-62 and col. 6, lines 1-41). One of ordinary skill in the art at the time of the invention would have found it obvious to modify Fujii to intensify or excite the player's expectations for specific symbols for which high winning is made (Hagirawa, col. 1, lines 50-55). Therefore, it would have been obvious to one of ordinary skill one of ordinary skill in the art at the time of the invention to modify Fujii to illuminate certain symbols to intensify the player's expectations as desirably taught by Hagirawa.

Regarding claim 2, discloses a gaming machine comprising:

a variable display device configured to variably display a plurality of symbol rows on which a plurality of symbols are placed (fig. 4, items 8a-c, paragraph [0026]);

an image display device being provided in front of the variable display device and configured to display an image concerning a game (fig. 4, items 11, 20a-c, paragraph [0024]);

a symbol illumination device configured to illuminate the symbols (fig. 4, item 24, paragraph [0025]); and

an image display assistance device being provided lateral to an area between the variable display device and the image display device and configured to reflect light emitted from the symbol illumination device and to assist image display of the image display device (fig. 4, items 25, 26 and 27, paragraph(s) [0024]-[0028]),

wherein the symbol illumination device comprises a rear illumination lamp configured to illuminate the symbols from behind the symbols (Fujii: paragraph [0008] and fig. 16, Hagiwara: fig. 13 and 14, col. 8, lines 27-62), and

wherein the image display assistance device reflects light emitted from the rear illumination lamp (fig. 4, items 25, 26 and 27, paragraph(s) [0024]-[0028]).

On the other hand, if one were to take the position that Fujii does not anticipate a rear illumination device even though Fujii indeed discloses a rear illumination device with respect to In re Gurley in which "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994), Fujii in view of Hagirawa teaches the claimed invention. Fujii discloses image display assistance devices and illumination in front of the symbols. In an analogous reference, Hagiwara discloses an amusement device with an illumination device inside of the reel (Hagiwara, fig. 5, 6, 13 and 14, col. 8, lines 27-62 and col. 6, lines 1-41). One of ordinary skill in the art at the time of the invention would have found it obvious to modify Fujii to intensify or excite the player's expectations for specific symbols for which high winning is made (Hagirawa, col. 1, lines 50-55). Therefore, it would have been obvious to one of ordinary skill one of ordinary skill in the art at the time of the invention to modify Fujii to illuminate certain symbols to intensify the player's expectations as desirably taught by Hagirawa.

Regarding claim 4, Fujii discloses wherein the symbol illumination device comprises a front illumination lamp configured to illuminate the symbols from a slanting direction of the front of

the symbols, and wherein the image display assistance device reflects light emitted from the front illumination lamp (fig. 10, paragraph [0036).

Regarding claim 5, Fujii discloses wherein the image display assistance device is attached to a housing that houses the variable display device (fig. 4, item 27).

Regarding claim 7, Fujii discloses wherein the image display assistance device comprises a mirror plate (fig. 4, item 27, paragraph [0028]).

Regarding claim 9, Fujii discloses a gaming machine comprising:
a variable display device configured to variably display a plurality of symbol rows on which a plurality of symbols are placed (fig. 4, items 8a-c, paragraph [0026]);
an image display device being provided in front of the variable display device and configured to display an image concerning a game (fig. 4, items 11, 20a-c, paragraph [0024]);
a side illumination device being provided lateral to an area between the variable display device and the image display device and configured to illuminate the symbols from a side of the symbols (fig. 4, items 24, 25, 26 and 27, paragraph(s) [0024]-[0028]); and
a case that houses at least a part of the variable display device (fig. 1, item 2),
A rear illumination lamp disposed behind the symbols and operative to illuminate the symbols from therebehind (Fujii: paragraph [0008] and fig. 16, Hagiwara: fig. 13 and 14, col. 8, lines 27-62).

wherein the side illumination device includes a plate attached to the case and a lighting device provided on the plate (fig. 4, items 22, 24, and 29).

On the other hand, if one were to take the position that Fujii does not anticipate a rear illumination device even though Fujii indeed discloses a rear illumination device with respect to In re Gurley in which "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994), Fujii in view of Hagirawa teaches the claimed invention. Fujii discloses image display assistance devices and illumination in front of the symbols. In an analogous reference, Hagiwara discloses an amusement device with an illumination device inside of the reel (Hagiwara, fig. 5, 6, 13 and 14, col. 8, lines 27-62 and col. 6, lines 1-41). One of ordinary skill in the art at the time of the invention would have found it obvious to modify Fujii to intensify or excite the player's expectations for specific symbols for which high winning is made (Hagirawa, col. 1, lines 50-55). Therefore, it would have been obvious to one of ordinary skill one of ordinary skill in the art at the time of the invention to modify Fujii to illuminate certain symbols to intensify the player's expectations as desirably taught by Hagirawa.

Regarding claim 10, Fujii discloses a gaming machine comprising:

a first display device configured to variably display a plurality of symbols (fig. 4, items 8a-c, paragraph [0026]);

a second display device including a display panel that is provided opposed to and spaced from the first display device, and the second display device configured to display the symbols through

the display panel and to display an image concerning a game on the display panel (fig. 4, items 11, 20a-c, paragraph [0024]); and

a display assistance device provided lateral to an area between the first display device and the display panel of the second display device and configured to assist image display of the second display device (fig. 4, items 24, 25, 26 and 27, paragraph(s) [0024]-[0028]).

A rear illumination lamp disposed behind the symbols and operative to illuminate the symbols from therebehind (Fujii: paragraph [0008] and fig. 16, Hagiwara: fig. 13 and 14, col. 8, lines 27-62).

On the other hand, if one were to take the position that Fujii does not anticipate a rear illumination device even though Fujii indeed discloses a rear illumination device with respect to In re Gurley in which "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994), Fujii in view of Hagirawa teaches the claimed invention. Fujii discloses image display assistance devices and illumination in front of the symbols. In an analogous reference, Hagiwara discloses an amusement device with an illumination device inside of the reel (Hagiwara, fig. 5, 6, 13 and 14, col. 8, lines 27-62 and col. 6, lines 1-41). One of ordinary skill in the art at the time of the invention would have found it obvious to modify Fujii to intensify or excite the player's expectations for specific symbols for which high winning is made (Hagirawa, col. 1, lines 50-55). Therefore, it would have been obvious to one of ordinary skill one of ordinary skill in the art at the time of the invention to modify Fujii to illuminate certain symbols to intensify the player's expectations as desirably taught by Hagirawa.

Regarding claim 11, Fujii discloses further comprising an illumination device configured to illuminate the symbols, wherein the display assistance device includes a reflector that reflects light emitted from the illumination device (fig. 4, items 24, 25, 26 and 27, paragraph(s) [0024]-[0028]).

Regarding claim 12, Fujii discloses wherein the display assistance device includes an illumination device that illuminates the area between the first display device and the display panel of the second display device (paragraphs [0025]-[0032], fig. 4, items 22, 24, and 29).

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujii (JP Pub. No. 11-155998 A).

Regarding claim 6, Fujii substantially discloses the invention as claimed but fails to explicitly teach that the image display assistance device comprises a white plate. Instead, Fujii discloses that the image display assistance device are reflector plates (fig. 4, items 25, 26 and 27) instead of specific white plates. However, one of ordinary skill in the art at the time of the invention would have known that surfaces lighter in color reflect light better than surfaces darker in color (Official Notice). Therefore, it would have been obvious to one or ordinary skill in the art at the time of the instant invention to use white plates because white reflects light better than most other colors.

**Response to Arguments**

5. Applicant's arguments filed 10/27/2010 have been fully considered but they are not persuasive. Regarding the argument that Fujii teaches away from the newly-added technical

features of the claimed invention, the Examiner respectfully asserts that "A known or obvious composition does not become patentable simply because it has been described as somewhat inferior to some other product for the same use." In re Gurley, 27 F.3d 551, 554, 31 USPQ2d 1130, 1132 (Fed. Cir. 1994). Thus, simply because Fujii discloses that a having a rear illumination device may produce a fear of a reel being heated and changing does not change the fact that Fujii discloses a rear illumination device being used to illuminate the reels.

## Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANDREW KIM whose telephone number is (571)272-1691. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3716

1/18/2011 /A. K./
Examiner, Art Unit 3714